

## Message Text

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ACTION EB-07

INFO OCT-01 NEA-10 IO-11 ISO-00 AF-06 ARA-06 EA-07 EUR-12

FEA-01 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01

AID-05 CIEP-01 SS-15 STR-04 TAR-01 TRSE-00 USIA-06

PRS-01 SP-02 OMB-01 OIC-02 /135 W  
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R 291557Z JAN 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 7850

INFO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: GATT ETRD IN

SUBJECT: INDIA REQUEST FOR WAIVER TO INTRODUCE NEW TARIFF

1. GATT COUNCIL WILL AT FEB 17 SESSION CONSIDER INDIA'S REQUEST FOR ART. XXV WAIVER TO INTRODUCE NEW CUSTOMS TARIFF ON 1 APRIL, 1976 BASED ON CCC (BTN) NOMENCLATURE. ALTHOUGH NEW CUSTOM TARIFF ACT ALREADY APPROVED BY INDIAN PARLIAMENT, AUTHORIZATION TO ESTABLISH EXACT TARIFF RATES WILL BE CONSIDERED BY PARLIAMENT ON MARCH 1; HENCE INDIA'S DESIRE TO HAVE GATT COUNCIL COMPLETE ACTION ON WAIVER REQUEST ON FEB 17.

2. INDIA HAD WAIVER TO RENEGOTIATE THEIR SCHEDULE IN PREPARATION FOR SWITCHOVER TO CCC (BISD TWENTIETH SUPP. P. 26). EXTENSION OF THAT WAIVER EXPIRED AT END 30TH CP SESSION, AND RESULTS OF ART XXVIII NEGOTIATIONS WERE FINALIZED AND CIRCULATED IN GATT/SECRET/227. THUS, NEW WAIVER NOW REQUIRED. ALSO, INDIA MISSION  
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(SANDILYA) REPORTS THERE WILL BE FURTHER CONSOLIDA-

TION AND SIMPLIFICATION WHEN FINAL TARIFF EMERGES.  
WE ASKED WHETHER ITEMS JUST RENEGOTIATED IN U.S.-  
INDIA ART. XXVIII SETTLEMENT MIGHT BE CHANGED;  
SANDILYA DID NOT THINK SO. HOWEVER, OTHER BOUND  
RATES WILL BE AFFECTED, AND ART. XXVIII NEGOTIATIONS  
WILL BE REQUIRED.

3. L/4298, 23 JAN (POUCHED WASHINGTON) CONTAINS  
INDIAN REQUEST AND STATES THAT SIMPLIFICATION AND  
RATIONALIZATION OF TARIFF NOMENCLATURE AND STRUCTURE  
WOULD CONTRIBUTE TO OVERALL OBJECTIVES OF MTN.  
WITHOUT COMMENTING ON THIS ASPECT, WE NOTED TO SANDILYA  
THAT SIMPLIFICATION WAS WELCOME MOVE CALLED FOR BY U.S.  
AND OTHER MEMBERS OF BALANCE OF PAYMENTS COMMITTEE  
DURING INDIA'S 1973 CONSULTATIONS.

4. DRAFT WAIVER WILL BE PREPARED BY GATT SECRETARIAT  
LARGELY AROUND WORDING OF 1973 WAIVER MENTIONED ABOVE.  
AS CURRENT INDIAN WAIVER REQUEST AS WELL AS 1973  
WAIVER BOTH CONTAIN REFERENCE TO APPLICATION OF  
ART. XXXVI:8, WE SUGGESTED TO SANDILIA AND TO LINDEN  
OF SECRETARIAT THAT PREAMBULAR LANGUAGE RECOGNIZING  
DESIRABILITY OF MAINTAINING MUTUALLY BENEFICIAL  
BALANCE OF CONCESSIONS IN THE ENSUING ART. XXVIII  
NEGOTIATIONS BE INCLUDED - AS WAS DONE IN RECENT  
BRAZILIAN WAIVER. NEITHER FORESAW ANY DIFFICULTY  
WITH THIS.

5. WE NOTE THAT INDIA'S 1973 WAIVER APPEARS TO HAVE  
BEEN WELL WORDED, CONTAINING USEFUL REFERENCES TO  
NEED TO NEGOTIATE QUICKLY AND RESERVING RIGHTS OF  
OTHER CPS TO SUSPEND CONCESSIONS IF ADEQUATE  
COMPENSATION NOT OFFERED.

6. INDIA REQUESTING THAT WAIVER EXTEND TO 31 DEC 1977;  
WE COMMENTED TO SANDILYA AND LINDEN THAT 30 JUNE, 1977  
EXPIRATION DATE WOULD SEEM MORE IN LINE WITH TIME  
GRANTED IN 1973 WAIVER.

7. RECOMMENDATION: SUGGEST WE SUPPORT NEW WAIVER  
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BASED ON WORDING OF 1973 WAIVER PLUS ADDITION OF  
PREAMBULAR PASSAGE PER PARA 4 ABOVE. SUGGEST WE URGE  
EXPIRATION DATE OF 30 JUNE 1977 BUT NOT BLOCK CON-  
SENSUS IF COUNCIL SUPPORTS DEC 31, 1977. WE SHOULD  
ALSO URGE AT COUNCIL THAT INDIA SUPPLY COPIES OF NEW  
TARIFF AS EARLY AS POSSIBLE. WILL POUCH TEXT OF DRAFT  
WAIVER WHEN RECEIVED.DALE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CUSTOMS DUTIES, TARIFF LAW, FOREIGN POLICY POSITION, AMENDMENTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 JAN 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**To:** STATE  
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